IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 550 OF 2006

1. Mohammed Karim Shaikh,
2. Mrs.Kulsum Bi Mohammed Shaikh,
3. Mrs.Aarifa Liyakat Shaikh. ...Applicants

V/s.

The State of Maharashtra & Anr. ...Respondents

Mr.P.H. Dooa for Applicants.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 14, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants have an apprehension that they are likely to be arrested in connection with an offence which is registered at Meghwadi Police Station on a complaint lodged by Mrs.Jyoti B. Lanjekar for the offence under Section 304(B) read with Section 34 of the IPC.

2. It is alleged that the daughter-in-law of applicants no.1 and 2 committed suicide on account of

mental and physical harassment which was given by the applicants and the husband of the deceased.

3. It is submitted that applicant no.1 is 60 years old and applicant no.2 is 55 years old and there is no evidence against the applicants regarding the alleged harassment to the deceased except the statements of interested witnesses. It is submitted that so far as applicant no.3 is concerned, she is their married daughter who is residing in her matrimonial house and no allegations have been made against her in the complaint.

4. Learned APP, on the other hand, has invited my attention to the statements of the witnesses which clearly show that applicants no.1 and 2 were responsible for causing harassment and causing mental and physical cruelty to the deceased, as a result of which, she had consumed the poison and committed suicide. She further states that so far as applicant no.3 is concerned, she is the married daughter of the applicants no.1 and 2 who is residing elsewhere and the allegations against her was not of very serious nature.

5. Considering the facts and circumstances of the case, in my view, no case is made out for grant of anticipatory bail by applicants no.1 and 2 and they shall surrender before the appropriate court and apply for regular bail. However, as far as applicant no.3 is concerned, she is the married daughter of the applicants no.1 and 2 and she is residing in her matrimonial house. No specific allegation has been made against her in the complaint. In this view of the matter, in my view, the case has been made out by the applicant no.3 for grant of anticipatory bail. In the result, application filed by applicants no.1 and 2 is rejected.

6. The application by applicant no.3 is allowed and in the event of the arrest of applicant no.3 in connection with an offence which is registered at Meghwadi Police Station vide C.R.No.5/2006 for the offence punishable under Section 304(B) read with Section 34 of the IPC, the applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to Meghwadi

Police Station once in two months. The applicants no.1 and 2 are given seven days time to surrender.

. The application is disposed of in the above terms.

(V.M. KANADE, J.)